

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David F. McComsey et al.

Serial No.: 10/606,422

Art Unit:

Filed

: June 26, 2003

Examiner:

For

: SUBSTITUTED HETEROCYCLIC ACYL-TRIPEPTIDES USEFUL

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August 7, 2003 (Date of Deposit)

Hal B. Woodrow
(Name of applicant, assignee, or Registered Representative)

(Signature)

August 7, 2003 (Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☑ In accordance with \$1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with $\square$ the
first or second After Final Submission, therefore:
Statement in Accordance with §1.97(e)
(attached); or
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in §1.17(p).
In accordance with §1.97(c), this Information
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in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is

accompanied by one of:

		Statement in Accordance with §1.97(e) (attached); or
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	e Sta	ccordance with §1.97(d), this Information tement is being filed after the mailing date of Action under §1.113 or a Notice of Allowance
under §1	.311 1	but before the payment of the Issue Fee.
Informati Accordance	on Dia	ereby petition(s) for consideration of this sclosure Statement. Included are: Statement in h §1.97(e) as set forth below and the fee of forth in §1.17(p).
attached	-	es of each of the references listed on the PTO-1449 are enclosed herewith.
	-	es of references listed on the attached Form PTO- 609D would be enclosed herewith EXCEPT THAT:
	⊠	In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner because copies were previously submitted in Serial Number 09/565,715 (Atty. Docket ORT-1222), copies are not enclosed herewith.
		If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
English 1		e are no listed references which are not in the
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Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT-1222DIV/HBW. This form is submitted in triplicate.

Respectfully submitted,

Hal B. Woodrow

Reg. No. 32,501 Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2976 DATED: August 7, 2003



### SUBMISSION UNDER MPEP 609 D

Application Number 10/606,422
Filing Date June 26, 2003
First Named Inventor McComsey et al.
Group Art Unit
Examiner Name
Attorney Docket Number ORT-1222 (DIV)

Page 1 of 1

U.S. PATENT DOCUMENTS
U.S. Patent Document

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INFORMATION DISCLOSURE

# STATEMENT BY APPLICANT

Sheet 1 of 2

t of 1995, no persons are required to respond to a collection of Information unless it displays a valid OMB control number. Application Number 10/606,422 Filing Date June 26, 2003 First Named Inventor McComsey et al. Group Art Unit Examiner Name Attorney Docket Number ORT-1222 (DIV)

~ ~ ~	T	U.S. Patent Doo	ument		T	
Examiner Initials	Cite No.1	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		6,069,232		Malikayi et al. (=HU 990 1290)	5-30-2000	
		5,391,705		Neises et al. (=HU 9201875)	2-21-1995	
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		5,696,231	B1	Abelman et al.	12-09-1997	
		6,017,890	B1	Oekstra et al.	1-25-2000	

FOREIGN PATENT DOCUMENTS

<del>~~~</del>		Foreign	Patent Docum		LIGHT ATENT DOCUMENTS	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
Examiner Initials	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup> F	indCode <sup>5</sup>	Name of Patentee or Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	T
		HU	9901290	Α	Aventis Phermaceuticals, Inc.	11-19-1999		
		HU	9201875		Merrell Dow Pharmaceuticals, Inc.	6-04-1992		
	Γ_	EP	0503203	A1	Merrell Dow Pharmaceuticals, Inc.	9-16-92	(=HU 9201875)	
		wo	92/04371	A1	Ferring Peptide Research Partnership KB	3-19-1992		
		wo	99/42475	A1	Ortho-McNeil Pharmaceutical, Inc.	8-26-1999		

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 2 of 2

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Application Number	10/606,422						
Filing Date	June 26, 2003						
First Named Inventor	McComsey et al.						
Group Art Unit							
Examiner Name							
Attorney Docket Number	ORT-1222 (DIV)						

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	_
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	1	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item	Ti
Examiner's	Cite	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	T'
Initials*	No.1	publisher, city and/or country where published	
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